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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,837	03/03/2000	Frank D. Tuttle	800470	9750

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EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/518,837

Applicant(s)

TUTTLE, FRANK D.

Examiner

Thach H Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. Applicant's prior art citation filed March 03, 2000 has been received, considered and placed of record.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material per se. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, not it is a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claims 1-21 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompasses any product of the class configured in any manner to perform the underlying process. The claimed invention of claims 1-21 also does not include a post-computer process activity or a pre-computer process activity. Thus, no physical

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transformation is performed, no practical application in the technological art is found. Consequently, claims 1-21 are analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-20, 22-33, 35, and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by McClelland et al. (U.S. Patent No. 5,689,650).

As per claim 1, McClelland et al. disclose a computer-implemented method for auditing loan compliance with Government loan lending and licensing requirements, comprising a means for entering, storing and auditing loan compliance data (column 4, lines 22-26, and lines 33-35), and a means for building loan compliance rules (column 4, lines 36-67) (column 7, lines 3-27) (Tables 1-3). McClelland et al. do not mention explicitly a means for comparing the loan compliance rules to loan data to determine loan audit compliance. However, McClelland et al. teach the loan compliance rules stored in the storage device and/or database (column 21, lines 45-54) and a processor and/or CRA network in performing auditing based on the compliance rules. Therefore, it is understood that the system, as taught by McClelland et al., is capable to compare the loan compliance rules to loan data to determine loan audit compliance.

As per claim 2, the claim contains features addressed in the above claim, and therefore, is rejected under the same rationale. In addition, McClelland et al. also disclose a applicable licensed lender(s) for a geographic boundary to build a loan compliance rules of which is available within the geographic boundary (column 8, lines 6-32) (see Table 2). McClelland et al. also identify loan types and the loan originator (see Figures 1, 2 and 6).

As per claim 3, McClelland et al. disclose building rules for all applicable licenses available within the geographic boundary (see Tables 1-3).

As per claims 4-9, McClelland et al. have all the features of the invention but McClelland et al. do not explicitly mention a means to add new license to the applicable licenses available and a means to change and/or build new rules. However, McClelland et al. teach other licensed mortgage lender(s) maybe eligible for inclusion in the network (CRA) (column 8, lines 11-12) and a means to develop new portfolios of assets which may become CRA eligible depending on regulatory changes and/or regulatory interpretation; therefore, it is well understood that the system, as taught by McClelland et al., is capable to add new license to the applicable licenses available and a means to change and/or build new rules.

As per claim 10, McClelland et al. disclose compliance rules by specifying equations using base rule variables (see Tables 1-3).

As per claims 12-20, McClelland et al. have all the features of the invention (as mentioned above) and McClelland et al. further disclose a global communication network using a user interface to communicate compliance rules between user and

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licensed lender(s) (column 21, lines 7-19) (column 22, lines 39-43). McClelland et al. do not mention explicitly the state and federal loan requirements and/or licensing requirements; however, McClelland et al. teach a CRA transaction that obeys the CRA local, regional and national requirements and a licensed lender(s) (column 23, lines 13-14). Therefore, it is understood that McClelland et al. has different level of loan requirements depending on the geographic boundary and licensing requirements upon a particular geography.

As per claims 22-33, 35, and 39-41, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. In addition, McClelland et al. disclose a means in producing a hard copy (column 21, line 50) or the results.

As per claim 42, McClelland et al. teach a transmission control protocol/internet protocol (TCP/IP) i.e. web browser.

4. Claims 21, 34, 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by McClelland et al. in view of Pepe et al. (U.S. Patent No. 5,742,905).

McClelland et al. have all the features of the invention but lack the teaching of microwave transmission i.e. satellite communication. Pepe et al. teach a microwave transmission i.e. wireless communication (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of McClelland et al. and combine the teaching of Pepe et al. to have a system having a wireless communication network.

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Conclusion

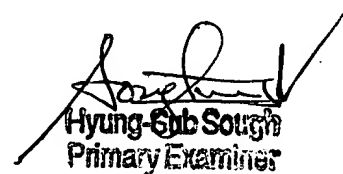
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lloyd, Grubb et al. and Camhi are cited of general interest.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.
February 26, 2003


Hyung-Suk Sough
Primary Examiner